

Remarks/Arguments

These remarks/arguments are responsive to the March 15, 2005 Final Office Action and were necessitated by the Examiner's continued reliance upon the same art in rejecting the claims without properly addressing the remarks and amendments set forth by the Applicant in the previous Amendment.

As an initial matter, applicant once again requests that the Examiner correct the spelling of applicant's name in the correspondence address. Four times now the correspondence has been addressed to "Ricahrd" Lehrer instead if Richard Lehrer. This is even after applicant pointed out the error to the Examiner in the previous two Responses. Instead of correcting the error, the Examiner merely provides a "Bib Data Sheet," which he asserts indicates the correct spelling of Inventor. However, a careful review of the Bib Data Sheet reveals that under the section entitled ADDRESS, the applicant's name is misspelled as "RICAHRD" as applicant has pointed out on numerous occasions. Correction is respectfully requested.

In response to the Examiner's assertion that the claims directed to other species have been cancelled, applicant respectfully points out that these other claims were only provisionally cancelled. Thus the fact that the Examiner has still failed to provide a bona fide response to applicant's November 29, 2004 response to the improper October 28, 2004 restriction requirement is not moot. In response to the restriction requirement, applicant requested the examiner to reconsider and withdraw the restriction requirement, or at the very least to state his reasons for the restriction and to identify the claims and claim elements in accordance with the requirements of the M.P.E.P. Applicant also provisionally elected Group 1 and all claims readable thereon. Accordingly, Applicant

respectfully directs the Examiner to the arguments made by applicant in each response to date related to the restriction requirement. Clearly the restriction requirement was inadequate and applicant continues to respectfully request the Examiner to reconsider and withdraw the restriction requirement.

Drawings

In the February 23, 2005 Office Action, the Examiner objected to the drawings for not showing the slit on the top or bottom with the connector configured to extend through the slit. In response, on May 23, 2005 Applicant provided new figures 16 and 17 illustrating an example of the requested features respectfully. In the most recent office action (March 15, 2006), the Examiner appears to have disapproved of just Fig. 17 although the rejection is very confusing as the Examiner never specifically mentions Figure 16. However, the Examiner does assert that the drawing objection stands with respect to the specific location of the slit in the bottom panel. For the reasons stated in the December 30 Amendment applicant disagrees with the Examiners assertions. However, merely in an effort to expedite prosecution of this case, applicant cancels Figure 17.

Accordingly, applicant respectfully submits that the objections to the drawings have been overcome and the Examiner should withdraw the same.

35 U.S.C. §102(b)

In the March 15, 2006 Office Action, the Examiner rejected claims 1, 3, 4, 8, 10 and 11 as being anticipated by U.S. Patent No. 1,049,910 to Peck (“Peck) or in the alternative, over Peck in view of U.S. Patent No. 1,545,487 to Croft (“Croft”). Applicant

reasserts the reasons stated in his previous Responses as to why Peck does not invalidate these claims. The same reasoning can be equally applied to Croft.

In the previous Amendment, applicant amended independent Claims 1 and 12 to include that the connector is “integral” with at least one of the ribs and stated that none of the art cited by the Examiner includes this feature. Rather than attempt to dispute this fact, the Examiner merely states that integral is broad enough to embrace constructions united by other means of fastening. While this may be true, the string in Peck is not even fastened to the ribs. Instead, there are simply knots tied in the string to prevent the string from being pulled through the holes. Thus, the string is merely resting in the holes, it is not fastened to the ribs. Accordingly, the Examiner’s bald assertion that integral is broad enough to cover other methods of fastening fails to address the issue at hand; namely that the art cited by the Examiner fails to disclose the connector being integral with at least one of the ribs. The above notwithstanding, Applicant has further amended Claims 1 and 12 to include the fact that the connector and at least one of the ribs are formed by a one-piece blank in accordance with the Examiner’s suggestion. Support for this amendment can be found in all of the figures and in Claim 17. Accordingly, for all of the reasons previously stated and for the additional reasons that the art cited by the Examiner does not include a connector integral with let alone formed from a one-piece blank with a rib, the claims are novel over the cited art. Neither Peck nor Croft nor the combination invalidates these claims and the Examiner is respectfully requested to reconsider and withdraw the rejections to Claims 1 and 12.

Claims 3-4, 8, 10 and 11 depend from Claim 1. Accordingly, these claims are novel over Peck, Croft and the combination thereof for at least the reasons discussed above.

35 U.S.C. §103(a)

In the August 10, 2005 Office Action, the Examiner rejected Claims 12 and 13 as being unpatentable over Peck in view of either U.S. Patent No. 1,083,514 to Wright (“Wright”) or 861,899 to Rhodes (“Rhodes”). According to the Examiner, it would have been obvious to one of ordinary skill in the art to lock the connector against an outside of the box either by tying the string as shown in Rhodes or providing anchor 12 as shown in Wright to keep the ribs from folding back.

Applicant respectfully traverses these rejections for the reasons stated in the May 23, 2005 Response. Additionally, Claim 12 has been amended as discussed above and Claim 13 depends from Claim 12. Accordingly, Claims 12 and 13 are not rendered obvious by Peck, Wright, Rhodes or any combination thereof and the Examiner is respectfully requested to reconsider and withdraw these rejections.

Additionally, in the previous Response, the Examiner rejected Claim 12 as being unpatentable over the Esposito rejection and further in view of Crofty or Efty. Applicant amended Claim 12 to include supporting an item of food “directly” on the ribs. For the reasons discussed, Peck is not designed to support any food on the ribs and none of the other references cited by the Examiner supports food directly on the ribs. The Examiner never addressed this amendment.

In the August 10, 2005 Office Action, the Examiner rejected Claims 1, 3, 4, 8 and 10 as being unpatentable over U.S. Patent No. 4,927,073 to Esposito (“Esposito”) in view

of U.S. Patent No. 4,081,125 to Meyers (“Meyers”). Applicant respectfully traverses these rejections for the reasons stated in the May 23, 2005 Response. Additionally Since Claims 1 and 12 have been amended as discussed above to include another feature not disclosed by any of the art cited by the Examiner, these Claims are patentable over the cited references and combinations of references. The Examiner is respectfully requested to reconsider and withdraw his rejection of Claim 1.

Claims 3, 4, 8 and 10 depend from Claim 1. As such, these claims are not rendered obvious for the same reasons.

Objections

Claim 2 was objected to as being dependent upon a rejected base claim. As shown from the foregoing discussion of the claims and cited art, Claim 1 is novel over the cited art. As such, applicant respectfully requests the Examiner to reconsider and withdraw the objection to Claim 2.

No new matter has been added.

Summary of Interview with Examiner

On May 25, 2006 applicant had a telephonic interview with the Examiner at which time claims 1 and 12 were discussed. The Examiner agreed to allow the claims over the cited art if the applicant amended claims 1 and 12 to include that the connector and a rib are formed from a one-piece blank. Applicant is grateful to the Examiner for his courtesy during the interview and has amended the claims in the manner discussed.

This response attends to each point noted by the Examiner. The claims are proper and patentable. Allowance is respectfully requested. However, should the Examiner deem that further clarification of the record is in order, we invite a telephone call to the applicant prior to the issuance of the next office action to expedite further processing of the claims to allowance.

Dated: May 26, 2006

Respectfully submitted,



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